

S/N 09/051,034



Hill  
T. Davis  
02-09-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MCKENZIE ET AL. Examiner: P. Brunovskis  
Serial No.: 09/051,034 Group Art Unit: 1632  
Filed: 03/31/98 Docket No.: 30562.6USWO  
Title: IMPROVED NUCLEIC ACIDS ENCODING A CHIMERIC  
GLYCOSYLTRANSFERASE

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This letter is in response to the restriction Action dated December 23, 1999. In the restriction Action, the Examiner has established two separate Groups of claims; namely, Group I, claims 1-25 drawn to nucleic acids and methods of using such acids and Group II, claim 22 relating to a transgenic animal and organs thereof. Applicants elect, with traverse, Group I, claims 1-25.

Applicants object to the position of this restriction Action after the PCT application has had no such unity of invention issues raised previously. Further, Applicants assert that the logic of the Examiner is flawed. Applicants believe that the modified nucleic acids constitute a linking concept which unifies all claims and prevents imposition of any restriction logic. Lastly, no efficiency of searching is obtained by imposing this artificial distinction. Applicants assert that the case can be adequately searched by reviewing the appropriate subclasses for Group I.

Applicants respectfully request the Examiner to withdraw the restriction Action and to examine all claims 1-25.

Respectfully submitted,

19 Jan 00

Date



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Gp 1632

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JAN 24 2000  
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U.S. PATENT AND TRADEMARK OFFICE

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on January 14, 2000.

By:   
Mark DiPietro

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Assistant Commissioner for Patents  
Washington, D.C. 20231

JAN 28 2000

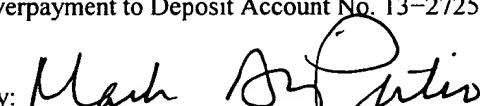
Sir:

We are transmitting herewith the attached:

- Transmittal Sheet in duplicate containing Certificate of Mailing
- Response to Restriction Requirement
- Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

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By:   
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